

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BRADLEY THOMAS, et al., )  
Plaintiffs, )  
vs. ) CASE 1: 2006-CV-165-MEF-DRB  
NCB MANAGEMENT SERVICES, INC., )  
JOHN HARDING, an Individual )  
Defendant. )

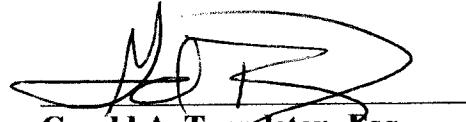
**MOTION OF PLAINTIFF'S PURSUANT TO F.R.C.P. 36**  
**TO DEEM FACTS AS ADMITTED AGAINST NCB MANAGEMENT SERVICES, INC.**

Comes now the undersigned legal counsel and pursuant to the Federal Rules of Civil Procedure 36, hereby moves this honorable court to enter an order deeming the all of the facts as admitted that are stated in **Plaintiff's Request for Admissions** served on **Defendant NCB Management Services, Inc.** on July 3, 2006. As grounds for said motion undersigned counsel for Plaintiff in the above-styled cause states as follows.

1. The attached Request for Admissions were served upon Defendant by Facsimile transmission and by the U.S. Mail with other discovery on July 3, 2006.
  
2. No response to the Requests have been served upon Plaintiff's counsel. The time for filing objections to the requests has also expired. The time for response has long since expired, as more than 30 days has expired since the service of the Request on Defendant and more than 45 days has expired since the initial filing of this civil action.

3. The facts are due to be admitted to limit the issues for trial and to save on discovery costs and expenses of all parties.

Respectfully Submitted,



**Gerald A. Templeton, Esq.**  
Attorney for Plaintiff (TEM002)

**OF COUNSEL:**

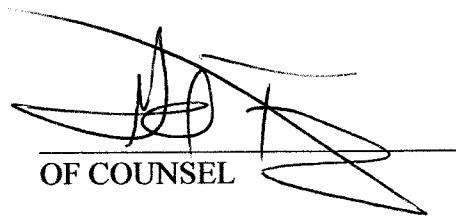
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of August 2006, I served by electronic filing and electronic facsimile transmission or via First-Class mail, postage prepaid, a true and correct copy of the foregoing document to the following parties:

Jeffery L. Luther (LUTHJ0532)  
Michael P. Barratt (BARRM3920)  
Attorneys for NCB Management Services.  
PO Box 1003  
Mobile, AL 36633  
(251) 433 8088  
(251) 433 8011

David G. Poston (POS007)  
Brock and Stout  
PO Drawer 311167  
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OF COUNSEL

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS  
TO DEFENDANT NCB MANAGEMENT SERVICES, INC.**

Comes now the Plaintiffs in the above-styled matter by and through undersigned counsel of record and pursuant to the Federal Rules of Civil Procedure require Defendant in the time allowed by law, to answer under oath the following admissions:

1. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. Sect. 1692a(3).
2. The debt you sought to collect from plaintiff is a "debt" as is defined at 15 U.S.C. Sect. 1692a(5).
3. You are engaged in the collection of debts from consumers using the mail and telephone and you regularly attempt to collect consumer debts alleged to be due another.
4. You are a "debt collector" as that term is defined by the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692a(6).
5. The Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., applied to the collection of the debt you sought to collect from plaintiff.
6. The underlying alleged debt was incurred for personal, family, or household purposes.
7. No formal verification of the debt was provided to either Plaintiff by Defendant.
8. You violated the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., in your attempts to contact third-parties to collect the alleged debt from plaintiffs.

9. At the time contact was made with the third-parties to help you try and collect the alleged debt from plaintiffs, you knew the location of the Plaintiff's by mailing address, telephone number and other information necessary to communicate with Plaintiffs.

**This Request shall be deemed continuing so as to require further and supplemental production if defendant obtains additional documents required to be produced between the time of the initial production and the time of trial.**

Respectfully Submitted,



**Gerald A. Templeton, Esq.**

Attorney for Plaintiff

**OF COUNSEL:**

**THE TEMPLETON GROUP, P.C.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of July 2006, I served by Facsimile Transmission and via First-Class mail, postage prepaid, a true and correct copy of the foregoing document to the following parties:

**Jeffery L. Luther (LUTHJ0532)**

**Michael P. Barratt (BARRM3920)**

Attorneys for NCB Management Services.

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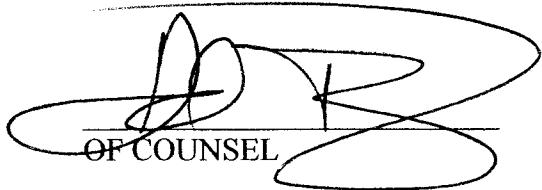
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